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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,729	06/27/2003	Reinier Bezuidenhout	42933/264137	6933
826	7590	03/10/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				URICK, MATTHEW T
		ART UNIT		PAPER NUMBER
		2113		

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/608,729	BEZUIDENHOUT, REINIER	
	Examiner Matt Urick	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 June 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 4/11/05 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

***NON-FINAL OFFICIAL ACTION***

***Status of the Claims***

Claims 19-21 are objected to due to minor informalities.

Claims 1-14 and 18-21 are rejected under 35 USC 102

Claims 15-17 are rejected under 35 USC 103

***Claim Objections***

Claims 19-21 are objected to because of the following informalities: Claim 19 claims a mail **transfer** agent, but claims 20 and 21 claim a mail **transport** agent. Both are considered to correspond to the same element in the invention and are treated as such for the purposes of this office action. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rupp (United States Patent No. 6,789,215).

As per claim 1, Rupp discloses:

A computer-implemented method of troubleshooting email gateway functionality with at least two modes of operation comprising the steps of:

    determining at least one setting of an email gateway (column 9 lines 10-12; the computer may be an email server as described in column 4 lines 31-40);  
    accepting external information entered by an input device (column 9 lines 12-15);  
    performing at least one troubleshooting routine in at least one of said modes to evaluate the email gateway functionality (column 9 lines 21-33);  
    checking at least one setting of said email gateway based upon said external information (column 9 lines 33-37); and  
    displaying information resulting from said checking of at least one setting (column 9 lines 33-37; information can also be displayed directly as disclosed in column 4 lines 63-65).

As per claim 2, Rupp discloses:

    The method of troubleshooting email gateway functionality of claim 1, wherein said external information is related to at least one of receiving mail, delivering mail, the direction of mail (column 4 lines 31-40), a server address, and a domain address (column 3 lines 58-62).

As per claim 3, Rupp discloses:

    The method of troubleshooting an email gateway functionality of claim 1, further comprising the step of testing at least one function of said email gateway (column 4

lines 31-40).

As per claim 4, Rupp discloses:

The method of troubleshooting an email gateway functionality of claim 1, further comprising the steps of:

determining at least one setting of a computer network interoperably connected to said email gateway (column 4 lines 31-40); and

checking at least one setting of said computer network based upon said external information or information resulting from said check of at least one email gateway setting (column 9 lines 33-37).

As per claim 5, Rupp discloses:

A computer program product comprising a computer-useable medium having a computer-readable code embodied therein with at least two modes of operation for performing a method of troubleshooting the functionality of an email gateway by a user computer, said computer readable code comprising:

first computer-readable code configured to cause said user computer to effect determining at least one setting of said email gateway column 9 lines 10-12; the computer may be an email server as described in column 4 lines 31-40);

second computer-readable code configured to cause said user computer to effect accepting external information entered by an input device (column 9 lines 12-15);

third computer-readable code configured to cause said user computer to effect performing at least one troubleshooting routine in at least one of said modes to evaluate the email gateway functionality (column 9 lines 21-33);

fourth computer-readable code configured to cause said user computer to effect checking at least one setting of said email gateway based upon said external information (column 9 lines 33-37); and

fifth computer-readable code configured to cause said user computer to effect displaying at least one resulting information associated with said checking of at least one setting (column 9 lines 33-37).

As per claim 6, Rupp discloses:

The computer program product of claim 5, wherein said second computer readable code is configured to cause said user computer to effect accepting external information related to at least one of receiving mail, delivering mail, the direction of mail (column 4 lines 31-40), a server address, and a domain address (column 3 lines 58-62)..

As per claim 7, Rupp discloses:

The computer program product of claim 5, further comprising:

sixth computer-readable code configured to cause said user computer to effect testing at least one function of said email gateway (column 4 lines 31-40); and

seventh computer-readable code configured to cause said user computer to effect displaying at least one resulting information associated with said testing of at last one function of said email gateway (column 4 lines 58-65).

As per claim 8, Rupp discloses:

The computer program product of claim 7, further comprising:  
eighth computer-readable code configured to cause said user computer to effect determining at least one setting of a computer network interoperably connected to said email gateway (column 4 lines 31-40); and

ninth computer-readable code configured to cause said user computer to effect checking at least one setting of said computer network based upon said external information or resulting information associated with said check of at least one setting (column 9 lines 33-37).

As per claim 9, Rupp discloses:

A computer system used to troubleshoot email gateway functionality comprising:  
a processor, operative to determine, accept, check, and display data (column 5 lines 11-12);  
a memory for storing data coupled to said processor (column 5 lines 12-13);  
a display device coupled to said processor for displaying data (column 4 lines 63-65);

an input device coupled to said processor for entering external data (column 9 lines 12-15);

a computer-readable script with at least two modes of operation executable by said processor, the script capable of

determining at least one setting of an email gateway (column 9 lines 10-12; the computer may be an email server as described in column 4 lines 31-40),

accepting external data (column 9 lines 12-15),

performing at least one troubleshooting routine in at least one of said modes to evaluate the email gateway functionality (column 9 lines 21-33);

checking at least one email gateway setting based upon said external data (column 9 lines 33-37), and

displaying information resulting from said check of at least one email gateway setting (column 9 lines 33-37).

As per claim 10, Rupp discloses:

The computer system of claim 9, wherein said computer-readable script is further capable of testing at least one function of said email gateway (column 4 lines 31-40).

As per claim 11, Rupp discloses:

The computer system of claim 9, wherein said computer-readable script is further capable of:

determining at least one setting of a computer network interoperably connected to said email gateway (column 4 lines 31-40); and  
checking at least one setting of said computer network based upon said external data or said information resulting from said check of at least one email gateway setting (column 9 lines 33-37).

As per claim 12, Rupp discloses:

An email gateway diagnostic tool for a computer system, the email gateway diagnostic tool comprising:

a script with at least two modes of operation capable of interacting with a computer system and a computer network (column 3 lines 63-64),  
wherein said script includes routines in said modes and selects at least one routine in at least one of said modes to collect and test the configuration of an email gateway of said computer system and said computer network (column 4 lines 31-40).

As per claim 13, Rupp discloses:

The email gateway diagnostic tool of claim 12, wherein said routines collect and test the configuration of said computer system and said computer network responsible for receiving and delivering email (column 9 lines 33-37).

As per claim 14, Rupp discloses:

The email gateway diagnostic tool of claim 13, wherein said computer network is interoperably connected to an email gateway (column 9 lines 33-37).

As per claim 18, Rupp discloses:

The email gateway diagnostic tool of claim 12, wherein said script queries said computer system and said computer network for information to test the configuration of said computer system and said computer network (column 9 lines 33-37).

As per claim 19, Rupp discloses:

The email gateway diagnostic tool of claim 12, wherein said computer network is interoperably connected to a mail transfer agent (column 3 lines 45-50, wherein one of the computers may be a mail server as described in column 9 lines 33-37).

As per claim 20, Rupp discloses:

The email gateway diagnostic tool of claim 19, wherein said script is written to collect and test the configuration of said mail transport agent (column 3 lines 45-50, wherein one of the computers may be a mail server as described in column 9 lines 33-37, and wherein the mail server is the mail transport agent)

As per claim 21, Rupp discloses:

The email gateway diagnostic tool of claim 20, wherein said script provides feedback or possible solutions to problems based upon testing said configuration of said mail transport agent (column 8 lines 40-51).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupp (United States Patent No. 6,789,215) in view of Peterson (United States Patent Application Publication No. 2004/0010584 A1).

As per claim 15, Rupp fails to disclose:

The email gateway diagnostic tool of claim 14, wherein said routines include separate collection and testing of a configuration depending upon whether the email gateway is receiving mail or delivering mail.

Peterson discloses a system in which agents monitor various testing sites in a computer network (¶ 8). Different error states and information regarding them can be defined for each element in the network (¶ 9). One such error is the E-Mail errors, where a message may fail to be delivered or received (¶ 58). The collects and propagates information regarding receiving (FROM timeout) and sending (TO timeout) emails. Peterson discloses that this system enables multiple systems in a network to be managed effectively and efficiently (¶ 6, 7). Rupp also discloses the need for less intensive maintenance operations (column 1 lines 23-30, column 2 lines 56-59). Using Rupp's system would prevent any further drain on the network on top of the already intense remediation process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the error reporting system of Peterson into the Remediation System of Rupp, making a more efficient system.

As per claim 16, Rupp fails to disclose:

The email gateway diagnostic tool of claim 14, wherein said routines include separate collection and testing of a configuration depending upon whether the email gateway is not receiving incoming or outbound mail.

Peterson discloses a system in which agents monitor various testing sites in a computer network (¶ 8). Different error states and information regarding them can be defined for each element in the network (¶ 9). One such error is the E-Mail errors, where a message may fail to be delivered or received (¶ 58). The collects and propagates information regarding receiving (FROM timeout) and sending (TO timeout) emails.

Peterson discloses that this system enables multiple systems in a network to be managed effectively and efficiently (¶ 6, 7). Rupp also discloses the need for less intensive maintenance operations (column 1 lines 23-30, column 2 lines 56-59). Using Rupp's system would prevent any further drain on the network on top of the already intense remediation process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the error reporting system of Peterson into the Remediation System of Rupp, making a more efficient system.

As per claim 17, Rupp fails to disclose:

The email gateway diagnostic tool of claim 14, wherein said routines include separate collection and testing of a configuration depending upon whether the email gateway is not delivering incoming or outbound mail.

Peterson discloses a system in which agents monitor various testing sites in a computer network (¶ 8). Different error states and information regarding them can be defined for each element in the network (¶ 9). One such error is the E-Mail errors, where a message may fail to be delivered or received (¶ 58). The collects and propagates information regarding incoming (FROM timeout) and outbound (TO timeout) emails.

Peterson discloses that this system enables multiple systems in a network to be managed effectively and efficiently (¶ 6, 7). Rupp also discloses the need for less intensive maintenance operations (column 1 lines 23-30, column 2 lines 56-59). Using Rupp's system would prevent any further drain on the network on top of the already intense remediation process. Therefore, it would have been obvious to one of ordinary

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skill in the art at the time of invention to incorporate the error reporting system of Peterson into the Remediation System of Rupp, making a more efficient system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Urick whose telephone number is (571) 272-0805. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MTR  
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